

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

CONAIR CORPORATION,

Plaintiff,

v.

De Bin Liu d/b/a Barberium's,

Defendant.

CASE No. 21 cv 1663

The Hon. Sara L. Ellis

JURY TRIAL DEMANDED

INITIAL STATUS REPORT

Pursuant this Court's July 12, 2021, Order (ECF No. 25), Plaintiff Conair Corporation provides the following report on the status of this case:

1. The Nature of the Case:

A.

Counsel for Plaintiff Conair Corporation	Counsel for Defendant De Bin Liu d/b/a Barberium's
Robert P. Greenspoon (Lead Trial Attorney) Michael R. La Porte Flachsbart & Greenspoon, LLC 333 N. Michigan Ave. Suite 2700 Chicago, IL 60602 (312) 551-9500	Depeng (Edward) Bi (Lead Trial Attorney) Law Offices of Konrad Sherinian, LLC 1755 Park Street - Suite # 200 Naperville, Illinois 60563 180 N. LaSalle - Suite #3700 Chicago, Illinois 60601 (630) 318-2606

Counsel for the Defendant has not yet filed an appearance.

B. This is an action for trademark and trade dress infringement. Currently, there are no counterclaims and/or third-party claims.

C. The primary issue in the case will be whether the Defendant's products infringe Plaintiff's trademark and trade dress.

D. Conair seeks monetary damages and equitable relief.

2. Subject Matter Jurisdiction: The Court has subject matter jurisdiction over the Plaintiff's claims because they arise under the laws of the United States, namely, the Lanham Act.

A. The Lanham Act, 15 U.S.C. § 1125 *et seq.*

B. Jurisdiction is not based on diversity or supplemental jurisdiction

3. Status of Service: Defendant De Bin Liu has been served. Subject to the notes below in No. 7, Conair states that no defendant remains unserved.

4. Consent to Proceed Before a United States Magistrate Judge: Counsel for the Plaintiff has advised its client that it may proceed before a Magistrate Judge if the parties consent unanimously. Counsel for the Defendant has not yet appeared. At this time, there is not unanimous consent.

5. Motions:

A. There are no currently pending motions. Conair anticipates filing a motion to extend the time by which the Defendant has to answer or otherwise plead based on a suggestion that it has mis-identified the Defendant. See further explanation below regarding settlement. Further, if the Defendant has been misidentified, Conair may need to file a motion to amend to substitute a John Doe defendant for the current defendant.

B. It is unknown whether the Defendant anticipates responding to the complaint by filing an Answer or by means of motion.

6. Case Plan:

Conair respectfully suggests that proposing a case plan is premature at this time for two reasons: first, that the Defendant has yet to appear in this matter; and second, it has been suggested by the Defendant that Conair has misidentified the John Doe originally named in the complaint.

7. Status of Settlement Discussions:

Since obtaining the identity of the Defendant based on phone information provided to the online hosting platform Shopify, it has been suggested that the party identified – De Bin Liu – is not the proper Defendant. The parties are in discussion in this regard and are hopeful that a resolution of this issue will be reached soon. The parties do not request a settlement conference at this time.

Dated: August 5, 2021

Respectfully submitted,

/s/ Michael La Porte

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**Attorneys for Plaintiff,
Conair Corporation**

CERTIFICATE OF SERVICE

I hereby certify that on August 5, 2021, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to all counsel of record. Additionally, I served and/or attempted to serve copies of this report on Edward Bi at Edward Bi ebi@sherinianlaw.net

/s/ Michael La Porte

Michael R. La Porte